

REMARKS

By the foregoing Amendment, Applicants has amended claim 1 to more particularly point out and distinctly claim the subject matter that Applicants regard as the invention and also have added new claims 14-20 with support for the new claims being found in the original disclosure, for example, in the first full paragraph on page 3, as well as in the Specification in the paragraph bridging pages 3-4. Accordingly, none of the foregoing amendments raise the issue of new matter.

Reconsideration of the previous rejection of claims 1-3, 7 and 11 under 35 U.S.C. 102(b) as being anticipated by Martensson (U.S. Patent No. 6,397,547) is respectfully requested.

Initially, Applicants reminds the Examiner that the Office has set forth guidelines for making rejections based upon anticipation in MPEP § 2131.

Therein stated by the Office “a claim is anticipated only if each and every element is set forth in the claim is found, either expressly or inherently described, in a single prior art reference (*citations omitted*). While Martensson ‘547 does indeed teach that panels may be manufactured with different upper decorative surfaces with the Examiner citing column 3, lines 30-62 and Figure 2, panel 1, Applicants respectfully submit that Martensson does not anticipate the claimed invention.

Column 3, lines 23-30 only states that a “surface made for instance consist of paint, a thermoplastic foil such as polyethylene, polypropylene or polyvinyl chloride, a paper sheet impregnated with thermosetting resins or of a thermosetting laminate...”. It does not teach that the flooring system comprises panels with at least two different decorative surfaces selected from such group and certainly not the limitations of the claimed invention. Figure 2, panel 1 only directs attention to “pane1 1” with a decorative thermosetting laminate as a surface layer 17 glued on top [of a base of wood particles]” and does not teach the limitations of the previous claim 1.

Although the Examiner argues that “the claim does not require the surfaces to be different...” Applicants always intended that the surfaces were different and have therefore amended claim 1 to more particularly point out and distinctly claim this subject matter that they regard as the invention to make it undeniably clear that the claim requires the surfaces to be different in order to further distinguish over the Martensson ‘547. Accordingly, in view of the foregoing amendments,

Applicants respectfully submit that Martensson cannot possibly act as an anticipatory reference, because he does not teach a flooring system having a plurality of panels wherein at least two of the panels have different decorative surfaces as instantly claimed. Withdrawal of the rejection is therefore respectfully requested.

Reconsideration of the previous rejection of claims 1, 4-6, 8-9 and 13 under 35 U.S.C. 102(b) as being anticipated by Sjolin et al. (U.S. Patent No. 6,375,777) is respectfully requested.

As with Martensson above, Sjolin does not teach a flooring system having a plurality of panels wherein at least two of the panels differ in the type of decorative surface as instantly recited. While again the Examiner is correct that Sjolin '777 teaches that panels can be made of various decorative surfaces as identified by the Examiner, it neither teaches nor suggests that a flooring system comprising a plurality of panels wherein at least one of the panels differ in the decorative surface as recited in independent claim 1. Accordingly, withdrawal of the rejection is respectfully requested.

As with the other rejections of various of the claims *e.g.* claims 1 and 10 under 35 U.S.C. 102(b) as being anticipated by Sjoberg et al. (WO 02/47906) or the rejection of claims 1 and 12 under 35 U.S.C. 102(b) as being anticipated by Pervan (U.S. Publication 2002/0007609) in which the Examiner erroneously states that "the claim does not require the surfaces to be different...". Applicants' amended claim 1 specifically requires the surfaces to be different on at least two of the panels of the flooring system and thus, neither Sjoberg et al. nor Pervan can anticipate the claimed invention.

For all the foregoing reasons, withdrawal of all rejections and passage of the Application to issue are respectfully requested.

Respectfully submitted,



TPP/mvj
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Thomas P. Pavelko
Registration No. 31,689

NOVAK DRUCE + QUIGG LLP
1300 Eye Street, N.W.
Suite 1000, West Tower
Washington, D.C. 20005
Telephone: (202) 659-0100
Facsimile: (202) 659-0105

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